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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/355,946 08/16/99 NAKAMURA

M P7318-9007

EXAMINER

IM22/0410

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RAUNTAGHER, PAPER NUMBER

DATE MAILED: 1733

04/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/355946

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-12 is/are pending in the application.
- Of the above claim(s) 1-4 and 9-10 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 5-8 and 11-12 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 1-12 are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☒ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 355 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

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1. The restriction requirement imposed in the last Office action is deemed proper for the reasons set forth therein, and is therefore hereby reiterated and made FINAL.

Claims 1-4 and 9-10 stand withdrawn from further consideration by the Examiner as being directed to non-elected inventions, 37 CFR 1.142(b).

Election is effectively made WITHOUT traverse (as per M.P.E.P. § 818.03(a)) in Paper No. 7.

2. The disclosure is objected to because of the following informalities: Page 54 line 1 - change "CLAIMS" to "We Claim" or equivalent, as per M.P.E.P. § 608.01(m).

Appropriate correction is required.

3. Claims 5-8 and 11-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically (a) claim 5 line 2 - change the term "characterized as including" to "by"; (b) claim 11 last line - word "once" not understood in the context in which presented; and (c) claim 12 line 2 - delete the term "characterized as" (as unnecessary); penultimate line - "a" should apparently read "the".

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5 and 11-12/5 are further rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over either Rasmussen or Caiola et al.

Rasmussen discloses that it is known to adhesively unite or bond two oriented polyolefin (e.g. polyethylene, polypropylene etc.) sheets or films utilizing a combination of (a) solvent; and (b) heat and pressure bonding techniques, the preferred solvents being aromatic hydrocarbons such as toluene or xylene (Figure, Abstract, column 1 lines 54-57, column 2 lines 4-30 and 48-50, column 3 lines 12-13 and 19-53, column 4 lines 8-13), while Caiola et al. disclose a process of the type/most similar to that of Rasmussen wherein the oriented (or unoriented) polyolefin sheets or films to be joined are composed of polystyrene and the solvent employed is an aliphatic hydrocarbon such as pentane, hexane, heptane etc. (Abstract, column 2 lines 41-70, column 3 lines 1-5 and 28-42). All of the essential limitations of these claims are seen to be apparently satisfied by either of these references, with any differences which might conceivably exist between this envisioned claimed invention and

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the teachings of each of these references being held NOT to constitute patentable differences.

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-8 and 11-12/6-8 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over either Rasmussen or Caiola et al., each in view of Iverson.

Iverson discloses (a) a solvent bonding process similar to those of the other two applied references; and (b) that styrene MONOMER is a known (and very effective) solvent for dissolving polystyrene in these aforementioned solvent bonding processes (column 1 lines 1-19 and 36-53 and N.B. lines 36-39), such that it would have been obvious to one of ordinary skill in this art to employ such a monomeric solvent in the process of either Rasmussen or Caiola et al. in place of the corresponding analogous solvents employed therein; mere substitution of one known solvent for polyolefin (substrates or materials) for

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another such solvent (and from a like or similar environment) involved.

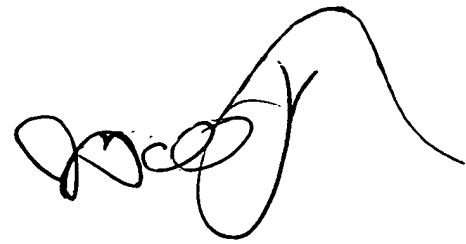
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.

JJG  
JJGallagher:cdc

March 12, 2001



JOHN J. GALLAGHER  
PRIMARY EXAMINER  
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